Division Bench

(2) 5

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 6229 of 2006

In the matter of

Petitioner : (1) Tip Top General Agencies Private Limited, a company incorporated under the relevant provisions of the Companies Act 1956 through Director Vineet Krishan Chaudhri 80/1, Block-2, WHS Kirti Nagar, New Delhi – 110015 (India)

(2) Vineet Krishan Chaudhri S/o Late S. K. Chaudhri aged about 49 years resident of House No. 44 Road No. 75 Punjabi Bagh, New Delhi (India)

P.R. No. 6189/06
Presented by N. Dubey
dated 1-12-06

Versus

Respondents : South Eastern Coal Fields Limited (A subsidiary of Coal India Limited Government of India undertaking) through Chief General Manager (Material Management) Seepat Road, Bilaspur (C.G.) India

Before : **Hon'ble the Chief Justice and his companion judges of the Hon'ble High Court of Judicature Chhattisgarh at Bilaspur.**

Writ petition under Articles 226/227 of the Constitution of India for issuance of suitable directions orders or writs including writs in the nature of mandamus certiorari etc.

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

CORAM : HON'BLE SHRI S.R.NAYAK, CJ.
HON'BLE SHRI V.K.SHRIVASTAVA, J.

Writ Petition (C) No.6229 of 2006

PETITIONERS :

1) Tip Top General Agencies Private Limited, a company incorporated under the relevant provisions of the Companies Act 1956 through Director Vineet Krishan Chaudhri 80/1, Block - 2, WHS Kirti Nagar, New Delhi - 110015 (India)

2) Vineet Krishan Chaudhri S/o Late S.K. Chaudhri aged about 49 years resident of House No.44 Road No.75 Punjabi Bagh, New Delhi (India)

Versus

RESPONDENTS :

1. South Eastern Coal Fields Limited (Subsidiary of Coal India Limited Government of India undertaking) through Chief General Manager (Material Management) Seepat Road, Bilaspur (C.G.) India

PRESENT:

Shri Neelabh Dubey, Counsel for the petitioners.

ORAL ORDER

(Dated 15th November, 2006)

The following oral order of the Court was passed by **S.R.Nayak, CJ. :**

The petitioners have submitted their bid in response to tender No.SECL / BSP / MMW / SEC III / B / PVC - BELT / 206, dated 17.01.2006 floated by South Eastern Coalfields Limited (for short " SECL"). Apprehending that the technical bid of the petitioner might be rejected by the SECL, this writ petition is filed for a direction to the SECL not to reject the technical bid of the petitioner - company on the grounds not contained in NIT or on vague and impossible grounds. If we may say so, the writ petition is totally misconceived and is based solely on

imagination of the petitioner. There is absolutely no material laid before us on the basis of which we could possibly think that the SECL without any ground and on vague and untenable grounds would reject the technical bid of the petitioner - company, so that the petitioners would be prevented from participating in the tender proceedings. Judicial review is meant to review the correctness of the administrative action when taken. Judicial review would also be sought in certain cases to prevent an Authority in exercising the power when it is shown that the Authority without legal power is proceeding to do something to the prejudice of writ petitioner. None of these grounds are available in the present case. The writ petition is dismissed as misconceived and premature. No costs.

Sd/-
Chief Justice

Sd/-
V.K. Shrivastava
Judge

subbu